

The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Mr. Kevin Martin
Best Western
1403 RT 103
Newbury, New Hampshire 03255

LETTER OF DEFICIENCY
WMB PBP 06-002
February 8, 2006

Dear Mr. Martin:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Wq 1100 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On February 6, 2006, DES re-inspected the pool at the Best Western in Newbury, NH ("the Pool"). This inspection was a result of significant deficiencies found during the initial inspection conducted on February 2, 2006.

During the inspection of February 6th, the following deficiencies were noted:

1. A recommendation to close and super chlorinate the Pool was issued on February 6, 2006. The inspection revealed that the Pool was in violation of Env-Wq 1105.10 and unsafe for public use. The following bacterial violations were observed in the Pool water:
 - a. Pursuant to Env-Wq 1105.10(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (OCTS/100mL). The Pool water contained 25 CTS/100mL of total coliform bacteria with *E. coli* bacteria present.
 - b. Pursuant to Env-Wq 1105.10(a)(2) the maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Pool water contained greater than 200 CTS/100mL.
2. Env-Wq 1105.10(b)(6a) requires a free residual chlorine concentration between 1.0 mg/L and 5.0 mg/L in public pool water. The free chlorine residual of the Indoor Pool water was 0 mg/L on February 6, 2006.
3. Env-Wq 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. Test records indicated that testing was only being done 1-2 times a day and that as far back as July of 2005, zero chlorine readings were being recorded with no corrective actions taken.
4. Env-Wq 1104.04(a) requires the following safety devices to be present at all public pools: (1) a light, strong pole not less than 12 feet long to which a body hook has been affixed, and (2) A flotation device capable of supporting an adult, with a throwing/retrieval line, which shall be a rope at least one-quarter inch in diameter and one-half the maximum width of the pool or 50 feet in length, whichever is less. The flotation device did not have an attached throwing/retrieval line at the time of inspection.
5. Env-Wq 1105.15(a) states that the owner of a public bathing facility shall plainly and conspicuously mark the depth of water in feet at or above the waterline on the vertical wall of the public bathing facility and on the top of the coping or edge of the deck or walk next to the public bathing facility. The depth of the Pool was not marked on the deck of the Pool.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-2457 • Fax: (603) 271-7894 • TDD Access: Relay NH 1-800-735-2964

DES Web site: www.des.nh.gov


6. Env-Wq 1106.04(a)(2) requires pool filtration systems to include a flow meter. The filtration system for the Pool did not include a functioning flow meter.

DES believes the cited deficiencies can be corrected within 30 days and requests that you submit a report within 45 days of receipt of this letter that describes the corrective measures taken. The report should include the following:

1. A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. The type, manufacture, and model of the flow meter to be installed.
3. A timetable of when:
 - a. the safety items will be in place;
 - b. the depth will be marked; and
 - c. the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Wq 1101-1105. After a violation of Env-Wq 1105.10(a)-(d), the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Tim Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Wq 1101-1110 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.nh.gov/Pools/>

Sincerely,

Jody Connor
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 7538

Enclosures

cc: Gretchen R. Hamel, Legal Unit Administrator, DES ✓
Tim Wilson, Public Bathing Facility Coordinator, DES
Scott Nelson, Health Officer, Town of Newbury